

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RANDAY TOLIVER	§	
	§	Civil Action No. 4:20-CV-132
v.	§	(Judge Mazzant/Judge Nowak)
	§	
MARTIN BRADDY, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 11, 2021, the report of the Magistrate Judge (Dkt. #53) was entered containing proposed findings of fact and recommendations that Defendant Brent McQueen's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Dkt. #37) be denied; but, notwithstanding that, *pro se* Plaintiff Randay Toliver's claims against Defendants Martin Braddy, Brent McQueen, and Lewis Tatum be *sua sponte* dismissed following judicial screening pursuant to 28 U.S.C. § 1915.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendant Brent McQueen's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Dkt. #37) is **DENIED**.

It is further **ORDERED** that each of Plaintiff's claims against Defendants Martin Braddy, Brent McQueen, and Lewis Tatum are **DISMISSED WITH PREJUDICE**.

All relief not previously granted is hereby **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

IT IS SO ORDERED.

SIGNED this 19th day of March, 2021.

A handwritten signature in black ink, reading "Amos Mazzant", written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE